IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

Writ Petition No.25160 of 2006

C.Thunaivendan .. Petitioner

vs.

1. State of Tamil Nadu
   rep. by Secretary to Government
   Revenue Department
   Fort Department, Chennai - 600 009

2. The Revenue Divisional Officer
   Cheyyar Taluk
   Thiruvannamalai District

3. The Director of Vigilance and
   Anti-Corruption
   Chennai - 600 028 .. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to complete the enquiry initiated under proceedings No.A1.19116/2006 on the file of the second respondent with a period of one month without awaiting the outcome of S.C.No.2 of 2005 on the file of the Chief Judicial Magistrate, Tiruvanamalai.

For petitioner : Mr.P.Raghunathan

For respondents : Mr.A.Edwin Prabhakar
Government Advocate

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O R D E R

This writ petition is filed for a direction against the the second respondent to complete the enquiry initiated under the proceedings of the second respondent dated 13.1.2006.

2. The petitioner, who was working as Deputy Tahsildar, has been

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issued the said charge on 13.1.2006 by the Collector, Thiruvanamalai District. It was based on the said charge, the petitioner has submitted his explanation on 17.2.2006 and the enquiry was conducted by the second respondent.

3. The case of the petitioner is that after the enquiry was completed by the second respondent, the Director of Vigilance and Anti-Corruption, the third respondent herein, has informed the second respondent about the pendency of a criminal case and therefore, the disciplinary proceedings should be kept pending till the criminal case is completed.

4. It is the case of the petitioner that the said criminal case has nothing to do with the petitioner and it related to some other persons and that there is absolutely no connection between the criminal case as well as the disciplinary proceedings which was initiated against the petitioner by the second respondent.

5. Heard the learned counsel for the petitioner and the learned Government Advocate.

6. Today, the learned Government Advocate, on instructions, submits that it is true that at the instance of the third respondent, who informed about the pendency of the criminal case, the disciplinary proceedings has not been proceeded. However, the learned counsel for the petitioner would fairly submit that the second respondent can be directed to complete the enquiry and pass appropriate orders within a specified time.

7. In view of the submissions made by the learned counsel for the petitioner and also the learned Government Advocate and considering the fact that there is absolutely no connection between the criminal case, which is stated to have been informed by the third respondent and the disciplinary proceedings initiated by the second respondent, the second respondent is directed to complete the disciplinary proceedings after giving an opportunity to the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction the writ petition is disposed of. No costs.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. TheSecretary to Government
   Revenue Department (State of T.N.)
   Fort Department, Chennai - 600 009

2. The Revenue Divisional Officer
   Cheyyar Taluk
   Thiruvannamalai District

3. The Director of Vigilance and
   Anti-Corruption
   Chennai - 600 028

+1cc to Govt. Pleader Sr 38719
+1cc to Mr.P.Raghunathan, Advocate Sr 38428

PLI (CO)
km/28.8.

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